

## **REMARKS**

### **Status of Claims**

Claims 1-14 are pending in the instant application. Claims 1-14 stand rejected. Favorable reconsideration is respectfully requested in light of the prior amendments, new declaration, and following remarks.

### **Claim Objections**

The Examiner reiterated an objection which Applicants understood to have been corrected previously. Applicants again acknowledge claims 12 (second occurrence) and 13 have been renumbered as claims 13 and 14.

### **Rejection Under 35 U.S.C. §102(e)**

Claims 1-14 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,453,687 to Sharood et al.

As noted by the Examiner in the Office action, Applicants previously submitted a Declaration under 37 C.F.R. § 1.131 of Jocelyn M. Seng, inventor. The Examiner rejected the declaration as being nonpersuasive “because features present on attachment is clearly not relevant to features of Applicant’s claimed invention”.

Applicants respectfully submit that the declaration and attachment support Applicants’ assertion, but Applicants wish to provide additional information for the sake of clarity. The attachment previously submitted was a merely a small portion (see lower RH corner, was numbered page 11 in the original) of an overall presentation to management at Owens Corning (the assignee). Applicants submit herewith a new declaration which includes additional pages from the same presentation for clarification. For the sake of

brevity, Applicants have not submitted the entire presentation, nor the underlying work product, as it is believe the attached pages provide adequate support, as set forth below. As this is a fairly high level presentation, numerous details are contained in underlying documentation, and if any such detail is required by the Examiner, Applicants are willing to supplement this request further upon such request by the Examiner.

For further clarification, Applicants have also provided a table below which compares claim 1 to certain pages and paragraphs provided in this presentation. As shown on the page numbered 1 of this attachment, this total presentation was entitled “System Thinking Ideas Strategic Controls COE”, and was presented to OC management prior to the reference date.

As noted on the page numbered 2 of the presentation, the concepts underlying the claimed invention relate to both products and services that were conceived by the inventors, including strategic controls of the home. In our prior declaration, Applicants referenced the thermostat as one example, and have included additional information from the presentation on the page numbered 9 to illustrate some of the functionality that was conceived for this system (including the thermostat, a PC, and a network). As indicated in the presentation, numerous other embodiments were conceived prior to this date as well, but the thermostat example is compared in the table below which clarifies the linkage from the presentation to the claim.

Claim 1	Declaration/presentation
1. A system for monitoring a house comprising:	Page numbered 9 – “home sensors”
a sensor component that receives data from at least one sensor located in the house;	Page 9 - a thermostat is a sensor, and is located in a home (house)

<p>an analysis component that analyses said data and</p> <p>converts said data into status information,</p> <p>said analysis component storing said data and status information to develop historical information; and</p>	<p>Page 9 – “allows connection to a PC (PC is an embodiment of an analysis component). Analysis is implicit in controls – e.g. “Integrates latest control strategies” and e.g. “Controls furnace humidifier system”</p> <p>Page 9 - e.g. “Home energy monitoring”</p> <p>Page 11 – “let users download... collect historical data...”</p>
<p>a customer interface component that enables a customer to access said generated data, previous historical information, and said status information via an online customer user interface.</p>	<p>Page 11 – “let users download PC based software... to collect historical data and generate reports”</p>

As in our prior declaration, in accordance with recognized practice, the actual dates shown in the exhibits have been expunged.

The effective U.S. filing date of the Sharood et al. patent is January 7, 2000. Mrs. Seng’s Declaration is effective to show completion of the claimed invention before January 7, 2000. Thus, any further use of the Sharood et al. patent in a rejection should be avoided.

Applicants respectfully submit that the above Declaration Under 37 C.F.R. §1.131 overcomes the rejections under 35 USC §102(e). Accordingly, Applicants respectfully request that the 35 USC §102(e) rejection of claims 1-14 be withdrawn.

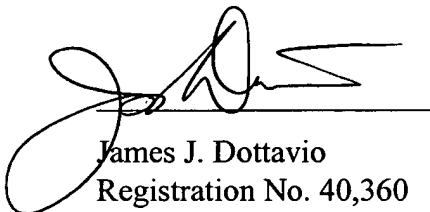
**CONCLUSION**

Applicants submit that claims 1-14 are allowable. The Examiner is invited to telephone the Applicants' undersigned agent at (740) 321-7167 if any unresolved matters remain.

If any questions should arise with respect to the above Remarks, or if the Examiner requires additional information or has any comments or suggestions to place the claims in better condition for allowance, it is requested that the Examiner contact Applicants' attorney at the number listed below.

Applicants authorize any fees required pertaining to this response be charged to Deposit Account No. 50-0568.

Respectfully submitted,

  
James J. Dottavio  
Registration No. 40,360

Date: 9-17-03  
Law Dept./Attn. Docket Administrator  
Owens-Corning  
2790 Columbus Road, Building 11  
Granville, Ohio 43023  
(740) 321-7167